

In the Matter of Merchant Mariner's Document No. Z-294540-D6
Issued to: PAUL BROUSSARD

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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PAUL BROUSSARD

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 17 July, 1952, an Examiner of the United States Coast Guard at Port Arthur, Texas, revoked Merchant Mariner's Document No. Z-294540-D6 issued to Paul Broussard upon finding him guilty of misconduct based upon one specification alleging in substance that while serving as Chief Cook on board the American SS C.H.M. JONES under authority of the document above described, on or about 28 February, 1952, he wrongfully had in his possession a narcotic drug, to wit: marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. On the Examiner's advice, he entered a plea of "not guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made an opening statement and introduced in evidence a certified copy of an Information, Judgment and Order of the U. S. District Court for the District of New Jersey showing Appellant's trial and conviction, in that court, for the possession of marijuana.

Appellant then testified in his own behalf, and offered a document to the effect that upon conviction he did not lose his voting rights and is still subject to being drafted.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved, and entered the order revoking Appellant's Merchant Mariner's Document No. Z-294540-D6 and all other licenses, certificates of service and documents issued to this Appellant.

From that order, this appeal has been taken, and it is urged:

- (1) Appellant started to sea in June 1943, and has served regularly ever since;

- (2) Appellant stopped school to go to sea; he has risen in rank to Chief Cook and Steward - as high as he can go;
- (3) Appellant is 25 years of age, married; he has never been in any trouble before; and the Court suspended his sentence;
- (4) Appellant knows no other way to earn a living;
- (5) Appellant did not realize the seriousness of the offense; and will never again be involved in any kind of trouble;
- (6) Appellant is not an habitual drug user.

Based upon my examination of the Record submitted, I hereby make the following

FINDINGS OF FACT

On or about 28 February, 1952, Appellant was serving as Chief Cook on board the American SS C.H.M. JONES and acting under authority of his Merchant Mariner's Document No. Z-294540-D6.

An Information before the United States District Court for the District of New Jersey alleges that on or about 28 February, 1952, Appellant had in his possession a narcotic drug, to wit: eight and one-half ounces of marijuana on board said vessel which was then engaged on a foreign voyage.

To the Information presented, Appellant appeared with counsel and entered a plea of guilty; whereupon he was sentenced for a period of one year, but the imposition of sentence was suspended, and Appellant was placed on probation for one year from 18 April, 1952.

OPINION

The Examiner's Opinion (R.7) quite adequately disposes of the merits of this case. I see no good reason to reiterate his remarks; and for the purpose of this decision, I adopt them as my own.

I find no merit in any point raised by this appeal which justifies my intervention.

ORDER

The Order of the Examiner dated at Port Arthur, Texas, on 17 July, 1952, is AFFIRMED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 24th day of September, 1952.